

ZONING CHANGE REVIEW SHEET

CASE: C814-99-0001.06

Z.A.P. DATE: December 4, 2007

ADDRESS: Avery Ranch Boulevard

OWNER/APPLICANT: Continental Homes of Texas, Inc. (Richard Maier)

AGENT: Waterstone Development (Theresa Canchola)

ZONING FROM: PUD

TO: PUD*

AREA: Tract I-C-1: 2.803 acres

* Please see Avery Ranch PUD Amendment request letter – Attachment A.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to approve the proposed amendment to the Avery Ranch PUD to split Tract I-C into two tracts, Tracts I-C and I-C-I, to permit the development of an elevated water storage tank on Tract I-C-I and to waive Compatibility Standards that apply to this tract under Section 25-2-1063 to allow a tank of 200 feet in height to be located within 123 feet of a proposed single-family subdivision. In addition, the staff recommends the applicant's request to amend the Land Use table for the PUD as it pertains to Tract I-D to release this tract from reservation as a "civic site".

ZONING AND PLATTING COMMISSION RECOMMENDATION:

12/04/07: Approved staff's recommendation for the PUD amendment by consent (8-0);
J. Martinez-1st, T. Rabago-2nd.

DEPARTMENT COMMENTS:

The applicant is requesting an amendment to the Avery Ranch Planned Unit Development (PUD) to divide Tract I-C into two tracts to create a new approximately 2.82 acre tract, Tract I-C-1, to provide a future location for an elevated storage tank. The Avery Ranch Elevated Storage Tank is a requirement of the Avery Ranch Service Extension Request (SER). It will have a 3 million gallon capacity and is planned to be just under 200-feet in height. With this request, the applicant is seeking a waiver to Compatibility Standards under Section 25-2-1063 to allow a tank of 200-feet to be located within 123 feet of a proposed single-family subdivision. This subdivision, located to the east of the new Tract I-C-1 within the PUD, is currently undeveloped. The applicant has stated that they have made the adjacent property owners aware of the proposed tower at this site.

In addition, the applicant is requesting to amend the Land Use table for the PUD as it pertains to Tract I-D to remove this property as a designated "civic site". In February of 2006, the 2,500th single family house was built in Avery Ranch and the Austin Fire Department and Austin Police Department released this site as a future station location. Therefore, the applicant is requesting that Tract I-D revert to the permitted "LR" district uses.

The staff is recommending the sixth amendment to the Avery Ranch PUD because the proposed elevated storage tank is necessary for the applicant to comply with the Service Extension Request to allow for future development in Avery Ranch. The applicant has chosen a site that is located at the far southwestern corner of the Avery Ranch Development and is currently surrounded by

undeveloped parcels of land. The staff understands the applicant's need to waive Compatibility Standards at this location because in order to obtain the 3 million gallon capacity that is required in the Service Extension Request the storage tank will need to be elevated.

The staff also recommends the applicant's request to remove the "civic site" designation for Tract I-D. It was intended that the applicant could request the release this site from the civic use designation after the 2,500th single family home had been constructed in the development if the City of Austin Fire Department and the City of Austin Police Department provided documentation stating that they did not intend to utilize the site.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD (Proposed Tract I-C-1)	Undeveloped
<i>North</i>	PUD (Tract I-A)	Undeveloped
<i>South</i>	I-RR	Undeveloped Area, Texas Department of Transportation Cedar Park Campus
<i>East</i>	PUD (Tract I-C)	Undeveloped
<i>West</i>	County	Undeveloped

AREA STUDY: N/A

TIA: Not Required

WATERSHED: Brushy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

- 485 – Riviera Springs Community Development Association
- 604 – Davis Spring HOA
- 690 – Avery Ranch Owners Association, Inc.
- 701 – Avery Ranch Neighborhood Association
- 786 – Home Builders Association of Greater Austin
- 1037 – Homeless Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-99-0001.05	To amend the PUD to rezone 14.694 acres of land from I-RR to PUD to be incorporated into Tracts III-G and III-H of the Avery Ranch Planned Unit Development (PUD) and to	4/04/06: Approved staff's recommendation for PUD amendment by consent (7-0, T. Rabago, J. Pinnelli-absent); J. Martinez-1 st , J. Gohil-2 nd .	5/18/06: Approved PUD amendment by consent(7-0); all 3 readings

	amend the Avery Ranch PUD Land Use Table to permit Village Center Residential (VCR) uses, Service Station use, Liquor Sales use (not to exceed 6,000 square feet and prohibiting Cocktail Lounge), and Mobile Home Residential use on Tract II-E of the PUD.		
C814-99-0001.04	PUD to PUD	9/06/05: Approved staff's recommendation of PUD zoning by consent (9-0)	
C814-99-0001.03	PUD to PUD	9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dias, J. Gohil-absent)	5/12/05: Postponed indefinitely by the applicant (7-0)
C814-99-0001.02	PUD to PUD	1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dias)	2/27/03: Granted PUD zoning as rec. by the ZAP Commission on 1 st reading (6-0, Goodman-off dias) 4/24/03: Approved PUD (6-0, Garcia-off dias); 2 nd /3 rd readings
C814-99-0001.01	PUD to PUD	6/18/02: Posponed to 7/16/02 by the applicant (8-0, A. Adams-absent) 7/16/02: Postponed to 7/30/02 by the staff for re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson-absent) 7/30/02: Postponed to 9/10/02 by the applicant and neighborhood (6-0, V. Aldridge-absent) 9/10/02: Approved staff's	10/10/02: Granted PUD on 1st reading (7-0) 1/30/03: Approved PUD amendment (7-0); 2 nd /3 rd readings

		recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent)	
C14-96-0085	SF-2 to SF-4A	Approved staff rec. of SF-4A (7-0)	9/5/96: Approved SF-4A (7-0); all 3 readings
C14-95-0093	SF-2 to IP	Approved LO (1 st 100') & IP-PDA (Remainder) (6-0)	Approved LO & IP-PDA (6-0); 1 st reading only Approved LO (1 st 100') & IP-PDA subject to conditions (5-0); 2 nd /3 rd readings

RELATED CASES: C814-99-0001 (Avery Ranch PUD)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Avery Ranch Boulevard	130'	Varies	Arterial
Parmer Lane	250'	100'	Arterial

CITY COUNCIL DATE: January 10, 2008 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@ci.austin.tx.us



PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-99-0001.06
ADDRESS: AVERY RANCH BLVD
SUBJECT AREA: 2.803 ACRES
GRID: F41-42 G41-42 H41-43 J42-43
MANAGER: S. SIRWAITIS



Subject Tract



Zoning Boundary



Pending Cases

1" = 2400' OPERATOR: S MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



STAFF RECOMMENDATION

The staff's recommendation is to approve the proposed amendment to the Avery Ranch PUD to split Tract I-C into two tracts, Tracts I-C and I-C-I, to permit the development of an elevated water storage tank on Track I-C-I and to waive Compatibility Standards that apply to this tract under Section 25-2-1063 to allow a tank of 200 feet in height to be located within 123 feet of a proposed single-family subdivision. In addition, the staff recommends the applicant's request to amend the Land Use table for the PUD as it pertains to Tract I-D to release this tract from reservation as a "civic site".

BASIS FOR RECOMMENDATION

1. *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The Avery Ranch PUD has a mixture of residential and commercial uses, with large open spaces/parkland areas that are connected to the Williamson County trail system to the north and utilized by residents of the PUD.

The proposed amendment to the Avery Ranch PUD will not alter the overall benefits or intent of the PUD development. The applicant's request to PUD to split Tract I-C into two tracts, Tracts I-C and I-C-I, to permit the development of an elevated water storage tank on Track I-C-I is necessary for the applicant to comply with the Service Extension Request to allow for future development in Avery Ranch. The applicant has chosen a site that is located at the far southwestern corner of the Avery Ranch Development and is currently surrounded by undeveloped parcels of land. The staff agrees with the applicant's request to waive Compatibility Standards at this location to construct an elevated storage tank to meet the 3-million gallon capacity requirement.

2. *Zoning should allow for reasonable use of the property.*

The proposed amendment to permit a water tower use on Tract I-C-1 will allow the applicant to comply with the Avery Ranch Service Extension Request. In addition, the applicant's request to remove the "civic site" designation for Tract I-D will allow the property to be developed with neighborhood commercial uses to provide services to the surrounding residential areas within the PUD.

EXISTING CONDITIONS

Site Characteristics

The site under consideration, proposed Tract I-C-1, is located at the southwestern corner of the Avery Ranch PUD development and is currently undeveloped. There is also undeveloped land to the north, Tract I-A, and to the east, Tract I-C. The property to the south consists of an undeveloped area and office buildings for Texas Department of Transportation Cedar Park Campus. The land to the west of the property in question is located in the County and is undeveloped.

Impervious Cover

The Avery Ranch PUD (Ordinance #000413-48) governs impervious cover limits for each type of development in the PUD. The overall impervious cover limit for the entire PUD shall remain 569.87 acres, and maximum impervious cover for each defined land use shall not change.

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Brushy Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. This project located within the Edwards Aquifer Contributing Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

Drainage Construction

Each subdivision in the Avery ranch will be required to comply with DCM section 1.2.4.E and 1.6.7 of the Environmental Criteria Manual rules to implement on-site control for the 2, 10, 25 and 100 year flow events as required by ordinances 931209-H and 931216-R.

No engineering comments at this stage.

Transportation

There are no transportation comments at this time.

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

No additional right-of-way is needed at this time.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Avery Ranch Boulevard	130'	Varies	Arterial

Water Quality

This is a proposed City of Austin water reservoir site that the Avery Ranch developers are required to provide and construct. The associated plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The construction must be inspected by the City of Austin.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

The proposed single family use to the east would trigger compatibility (to permit a tank in P-Public for the height triggered by compatibility from the zoning/use within the PUD area). The applicant has stated that they are seeking a waiver to compatibility standards for this tract within this PUD amendment.







WATERSTONE
DEVELOPMENT

Attachment A

November 27, 2007

Ms. Sherri Sirwaitis, Case Manager
City of Austin
505 Barton Springs Road
Austin, TX 78701

RE: Avery Ranch PUD Amendment No. 6, C814-99-0001.06

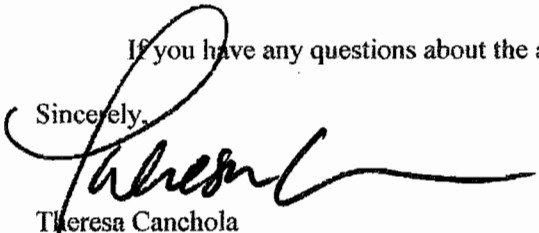
Dear Sherri:

Since there have been some changes to our original application, this letter seeks to clarify the amendments requested in the above referenced case. We are currently seeking the following amendments to the PUD:

- Break tract I-C into two tracts (I-C and I-C-1). Tract I-C-1 use is approximately 2.82 acres and is the future location of the Avery Ranch Elevated Storage Tank ("Tank"). The proposed tank has a 3 million gallon capacity and is just under 200 feet;
- Amend the Land Use table as it pertains to Tract I-D. Approximately, 2.5 acres of this tract is reserved as a "civic site" per Part 13 of the Avery Ranch PUD (Ordinance 00413-48). The 2,500th single family house was built in February 2006 and the Austin Fire Department and Austin Police Department have released this site for future stations. We request that the "civic site" be removed so the site can revert to permitted "LR" uses;
- We are seeking a waiver to Compatibility Standards under Section 25-2-1063 to allow a tank of 200 feet tank to be located within 123 feet of a proposed single family subdivision (the subdivision adjacent to the tank is not built); and
- We formally withdrawal our original request to amend Exhibit "H" – Open Space, Parks, and Trails Plan.

If you have any questions about the above referenced amendments, please call.

Sincerely,


Theresa Canchola

GENERAL NOTES:

1. SEE CONTRACT SPECIFICATIONS FOR DESIGN CRITERIA AND MATERIALS. UNLESS OTHERWISE NOTED, TANK SPECIFICATIONS ARE IN ACCORDANCE WITH API 650 AND API 653.
2. OVERALL HEIGHT OF TANK INCLUDING ROOF APPENDAGES SHALL BE LESS THAN 200 FEET.
3. STEEL TANK FLOOR WITHIN THE PERIMETER OF THE CONCRETE SUPPORT FOOTING SHALL BE SUPPORTED BY A 6" MINIMUM THICKNESS OF CONCRETE. PROVIDE ROOF PROJECTIONS AND PARALLEL WALLS TO MAINTAIN THE TANK WITHIN LEVEL.
4. CONCRETE FLOOR SHALL BE REINFORCED WITH 4" DIA. BARS. PROVIDE 12" MIN. CLEARANCE BETWEEN TOP OF REINFORCING AND BOTTOM OF STRUCTURAL SLAB FOR TANK.
5. SEE CONTRACT SPECIFICATIONS FOR STEEL TANK COATING REQUIREMENTS.
6. TANK APPENDAGES ARE REQUIRED FOR CLARITY.
7. SEE DRAWING EPA FOR ELECTRICAL.

FOUNDATION NOTES:

1. REFER TO THE GEOTECHNICAL REPORT FOR RECOMMENDATIONS REGARDING ALLOWABLE BEARING CAPACITY.
2. DESIGN LOADS IN ACCORDANCE WITH AISC 360.
3. DESIGN CONCRETE FOUNDATION IN ACCORDANCE WITH ACI 318.

MECHANICAL NOTES:

1. INLET/OUTLET AND OVERFLOW PIPING WITHIN THE CONCRETE FOOTING SHALL BE TYPE 304L STAINLESS STEEL.
2. PROVIDE HANGERS, BRACKETS, AND THROST RESTRAINT AS REQUIRED.
3. OVERFLOW SYSTEM SHALL BE DESIGNED TO ACCOMMODATE MAXIMUM FILL RATE. SEE CONTRACT SPECIFICATION.
4. REMOVABLE SET STOP SHALL BE 8 INCHES ABOVE TANK FLOOR.

MISCELLANEOUS NOTES:

1. ALL LADDERS AND LANDINGS SHALL BE GALVANIZED.
2. PROVIDE ALUMINUM SAFETY RAILS ON ALL LADDERS.
3. A REMOVABLE ALUMINUM LADDER SHALL BE INSTALLED AT THE UPPER LANDING FOR ACCESS TO THE EXTERIOR PARKER'S RAIL.

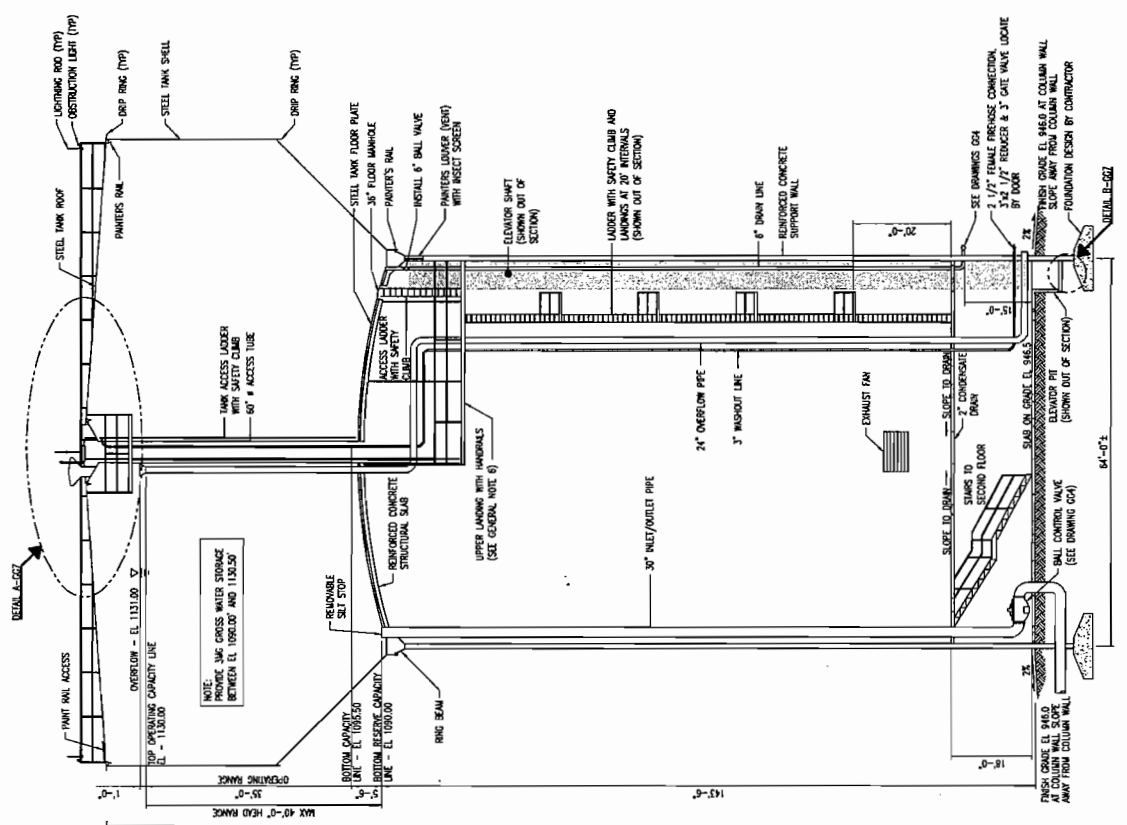
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF A REFERENCE DOCUMENT IN SUPPORT OF SITE PLAN SUBMITTAL. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES. THIS DOCUMENT IS VALID UNTIL SEPTEMBER 10, 2007. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.



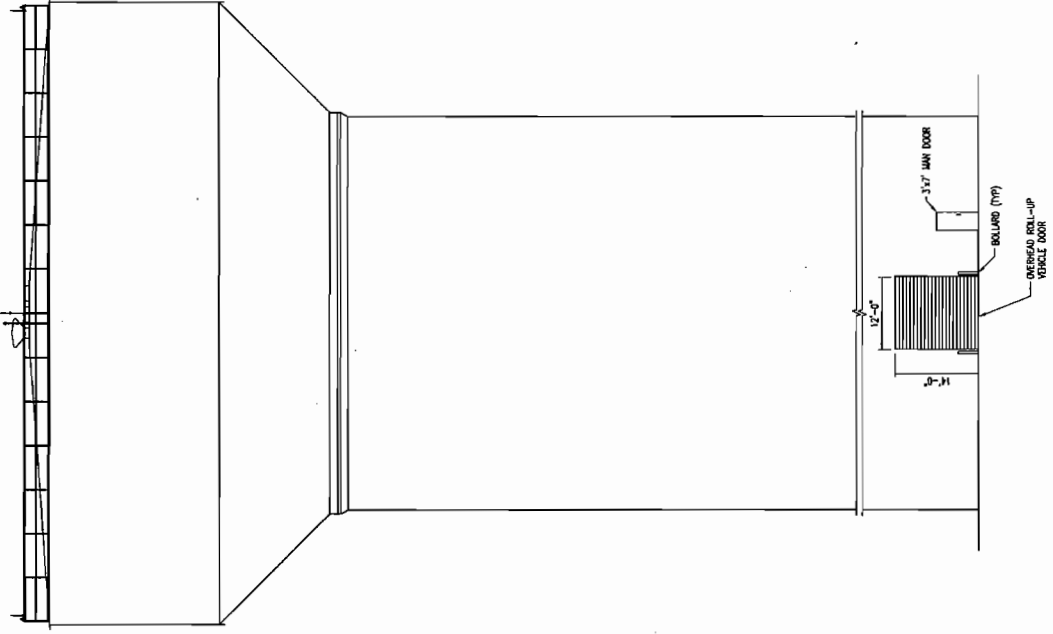
Stanley Consultants Inc.
8001 South Loop West, Suite 200, West, Texas 75721
Tel: 281.499.1234
Fax: 281.499.1235
Email: info@stanleyconsultants.com

NO.	REVISIONS	DESIGN	CHANGED	AMEND	DATE

DESIGNED: J.E. SMITH	SCALE: NONE
DRAWN: J.E. SMITH	NO. 000001
CHECKED: J.E. SMITH	REV: A
APPROVED: J.E. SMITH	GGG
DATE: 08/10/07	



SECTION



ELEVATION

ORDINANCE NO. 000413-48

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ON APPROXIMATELY 1,629 ACRES OF LAND, GENERALLY KNOWN AS THE AVERY RANCH PLANNED UNIT DEVELOPMENT PROJECT, LOCALLY KNOWN AS THE LAND LOCATED ON PARMER LANE IMMEDIATELY SOUTH OF BRUSHY CREEK, IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base zoning district from Interim Rural Residence (I-RR) district to Planned Unit Development (PUD) district on the property (the "Property") described in File C814-99-0001 as approximately 1,629 acres of land being more particularly described by metes and bounds in Exhibit A incorporated into this ordinance, generally known as the Avery Ranch Planned Unit Development, locally known as the land located on Parmer Lane immediately south of Brushy Creek, in the City of Austin, Williamson County, Texas, and as more particularly identified in the map attached as part of Exhibit A.

PART 2. This ordinance, together with the attached Exhibits A through J, shall constitute the land use plan for the Avery Ranch Planned Unit Development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the Avery Ranch Planned Unit Development Land Use Plan (the "PUD Land Use Plan") attached as Exhibits A through J and on record at the Development Review and Inspection Department in File No. C814-99-0001. If the text of this ordinance and the attached exhibits conflict, the more restrictive provision shall control.

PART 3. The attached exhibits or copies of originals on file with the City of Austin Development Review and Inspection Department in File No. C814-99-0001 are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The attached exhibits are as follows:

- Exhibit A: Description of Property
- Exhibit B: Avery Ranch PUD Land Use Plan
- Exhibit C: Site Development Regulations
- Exhibit D: Permitted Uses Table

- Exhibit E: Land Use Table
- Exhibit F: Impervious Cover Summary
- Exhibit G: Avery Ranch Comprehensive Water Quality and Wetland Mitigation Plan
- Exhibit H: Open Space, Parks and Trails Plan
- Exhibit I: Integrated Pest Management Plans
- Exhibit J: Avery Ranch Environmental Summary Map

PART 4. In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the Code, the following performance standards shall apply to the PUD instead of otherwise applicable Code sections, City regulations or City policies.

(A) Cut and Fill Variances.

- (1) Section 25-8-42 (*Administrative Variances*) is modified to authorize the Director of the Watershed Protection Department to grant an administrative variance to allow cut and fill on land in the PUD that exceeds four feet in depth but that does not exceed eight feet in depth. A variance granted under this provision must be based on the criteria established in Section 28-8-42.
 - (2) Section 25-8-41 (*Planning Commission Variances*) is modified to authorize the Planning Commission to grant a variance to allow cut and fill on land in the PUD that exceeds eight feet in depth. A variance granted under this provision must be based on the criteria established in Section 28-8-41.
 - (3) A variance granted under this subpart is subject to the following conditions:
 - (a) existing slopes may not exceed 15%;
 - (b) cut and fill are not allowed within 100 feet of a waterway; and
 - (c) a cut or fill area must be restored and stabilized in accordance with City rules and regulations.
- (B) The definition of "site" in Section 25-1-21 (*Definitions*) is modified to provide that the land included within the geographic boundaries of the entire PUD is a site. The PUD site includes areas within the PUD separated by a public street or railroad right-of-way.
- (C) Section 25-8-62 (*Net Site Area*) is modified to provide that the land in the Greenbelt tracts (Tracts I-G, I-G-1, II-G, III-G, III-G-1, III-G-2, IV-G, IV-G-1, and IV-G-2) is excluded from the calculation of net site area.

(D) Impervious Cover Limitations.

- (1) Subject to the conditions in Subpart (D)(2), Section 25-8-394 (*Uplands Zone*) and Section 25-2-492 (*Site Development Regulations*) are modified to provide that maximum impervious cover limitations are governed by Exhibit C and Exhibit F of this ordinance.
- (2) The following impervious cover limitations apply to development in the PUD.
 - (a) The maximum impervious cover for the entire PUD site is 45.5 percent of the net site area.
 - (b) Development on a single-family lot in the PUD may not exceed a maximum impervious cover of 55 percent of net site area of the lot. This limitation shall be stated on all subdivision plats covering land in the PUD.
 - (c) If 50 percent or more of the single family lots in the PUD have a lot size of 6300 square feet or greater, the maximum impervious cover for commercial development within the PUD shall be limited to 60 percent of the net site area of the commercial lots.
- (3) Section 25-8-64 (*Impervious Cover Assumptions*) is modified as follows:
 - (a) Except as otherwise provided in Subpart (D)(3)(b), to calculate the amount of impervious cover of single-family development for which water quality treatment must be provided, 55 percent impervious cover is assumed for each single-family lot.
 - (b) If a plat for land in the PUD limits impervious cover to less than 55 percent, then the impervious cover provided on the plat shall be the assumed impervious cover limit for each single-family lot covered by the plat.
- (4) The impervious cover tracking table included on the PUD Land Use Plan must be updated with each preliminary plan, final plat, and site plan covering land in the PUD.

(E) Section 25-8-395 (*Transfer of Development Intensity*) is modified as follows:

- (1) Development intensity may be transferred from a residential tract in the PUD that is located in an uplands zone to another residential tract in the PUD located in an uplands zone regardless of the distance between the transferring and receiving tracts.

(2) Development intensity may be transferred without concurrently platting the transferring and receiving tracts, subject to the following conditions:

- (a) the transfer must be noted on the plat of the transferring tract in a manner determined by the Director of the Watershed Protection Department;
- (b) the subdivider must file in the deed records of the county in which the property is located a restrictive covenant, approved by the city attorney, that runs with the transferring tract and describes the transfer of development intensity from the tract; and
- (c) the subdivider must note the transfer on the PUD Land Use Plan through an administrative revision.

(F) Sections 25-8-281(C) (*Critical Environmental Features*) is modified as follows:

- (1) Inundation of and construction within 50 feet of the two rimrock features identified as CEF Features RR-22 and RR-23 in Exhibit J of this ordinance is permitted for construction of a wetpond water quality facility.
- (2) This subpart prescribes the requirements for buffer zones around wetland features and waterways shown on Exhibit J of this ordinance.
 - (a) Except as provided in Subpart (F)(2)(b), (c), and (d), development of the PUD is subject to the critical environmental feature buffer zones established in Exhibit J of this ordinance.
 - (b) Except as provided in Subpart (F)(2)(c), for a wetland feature or waterway on the golf course:
 - (i) a buffer zone shown on Exhibit J that is greater than 50 feet wide is the minimum buffer for the wetland feature or waterway; and
 - (ii) if a buffer zone of greater than 50 feet is not shown:
 - 1. the average buffer zone must be fifty feet; and
 - 2. the buffer zone may not be less than 20 feet at any point.
 - (c) Subpart (F)(2)(b) does not apply to a golf course right-of-way that crosses a watercourse on top of the berm used to contain a wet pond or to the proposed retaining wall and green for hole number five. A buffer zone does not apply to these features.

(d) For wetland features and waterways in areas other than the golf course:

(i) a buffer zone shown on Exhibit J that is greater than 50 feet wide is the minimum buffer zone for the wetland feature or waterway; and

(ii) if a buffer zone of greater than fifty feet is not shown, the buffer may not be less than 50 feet at any point.

(3) Under Subpart (F)(2), the setback from:

(a) a wetland feature shall be measured from the normal water surface elevation; and

(b) a waterway shall be measured from the centerline of the waterway.

(G) Section 25-2-403(B) (*Land Use Plan Expiration and Amendment*) is modified to provide that the following actions are not substantial amendments of the PUD Land Use Plan and may be approved by the Director of the Development Review and Inspection Department:

(1) an amendment to a phasing schedule; and

(2) an adjustment to the configuration of one or more of the parcels shown on the PUD Land Use Plan if the adjustment does not increase the impervious cover of the entire PUD above 45.5 percent of the net site area.

(H) Sections 25-10-102 (*Signs Prohibited in All Sign Districts*), 25-10-103 (*Signs Prohibited in Public Right-of-Way*) and 25-10-154 (*Subdivision Identification Sign*) are modified as follows:

(1) Off-premise directional signs for residential subdivisions, the golf course, and other PUD community facilities, including community information centers, parks, and churches are permitted.

(2) Subdivision identification signs at major entrances to individual subdivisions within the PUD are permitted.

(3) Directional signs and subdivision identification signs are permitted in public right-of-way if:

(a) the Director of the Department of Public Works and Transportation determines that the signs do not interfere with the safety and public use of the property; and

(b) a license agreement approved by the City is executed between the sign owner and the City.

- (I) Sections 25-4-174 (*Lot Size*), 25-2-491 (*Permitted, Conditional and Prohibited Uses*) and 25-2-492 (*Site Development Regulations*) are modified to allow development in the PUD to comply with the site development regulations and permitted uses in Exhibits C and D of this ordinance.
- (J) Section 25-4-151 (*Street Alignment*) is modified to prohibit the extension of the existing Brimstone Lane and Squaw Valley Lane into the PUD.

PART 5. An integrated pest management plan for the PUD, including the golf course is required. The plan shall include a homeowners education program. The plan is attached as Exhibit I of this ordinance.

PART 6. The following provisions apply to critical environmental features in the PUD.

- (A) Critical environmental features shall be protected with appropriate erosion controls and chain link fencing during construction on a site that includes a critical environmental feature or that is in the vicinity of a critical environmental feature.
- (B) After construction is completed on a site that includes or is in the vicinity of a karst feature identified on Exhibit J as F-1 through F-9, boulders shall be placed around the buffer zone perimeter of the features. The boulders shall have a minimum size of 2' x 3' x 3' and shall be placed not more than five feet apart. Areas inside the buffer zone may not be disturbed.
- (C) The Director of the Watershed Protection Department shall determine if a site is in the vicinity of a protected feature under Subpart (B) or (C).
- (D) Exhibit J of this ordinance establishes buffer zones for critical environmental features identified as of the date of the ordinance. The Director of the Watershed Protection Department may establish buffer zones or require mitigation for significant critical environmental features discovered during permitting or construction.

PART 7. Development of the PUD is subject to the Avery Ranch Comprehensive Water Quality and Wetland Mitigation Plan attached to this ordinance as Exhibit G.

PART 8. At least nine water quality wet pond systems shall be provided, as identified in Figure 2 of Exhibit G of this ordinance. A wet pond system constructed under this part shall comply with the requirements of the Environmental Criteria Manual. At least six of the nine proposed wet ponds shall also be designed in accordance with enhanced wet pond design parameters provided in Exhibit G of this ordinance.

PART 9. Except as otherwise provided in this ordinance, the PUD may be developed under the regulations in effect on the effective date of this ordinance until 12:01 a.m. on April 14, 2020.

PART 10. The Open Space, Parks and Trails Plan attached to this ordinance as Exhibit H, includes land inside and outside of the PUD. Within the PUD, the City's parkland dedication requirement shall be met with the dedication of 37.5 acres of land as generally shown on Exhibit H. This acreage amount is based on a calculated requirement of 75 acres, less a 50 percent credit for private facilities.

PART 11. The City of Austin acknowledges and consents to the creation of the Williamson County Development District No. 2 (Avery Ranch) and the issuance of bonds by the District in one or more series in the aggregate principal amount of \$17,000,000. The bonds shall be payable from taxes and other revenues from the District. The bonds are solely the obligation of the District and not of the City of Austin.

PART 12. If the Capital Metropolitan Transportation Authority does not purchase the proposed light rail site along the existing Longhorn Railway line that passes through the western portion of the PUD on or before April 14, 2005 at 12:01 a.m., the property may be developed with a use that is consistent with the site development regulations and permitted uses applicable to the site under Exhibits C and D of this ordinance and with other applicable requirements of the PUD.

PART 13. The following provisions apply to the 2.5-acre site in Parcel I-D of the PUD that has been reserved for a fire station or a police substation (the "Civic Site").

- To be amended **
- (A) If, after construction of the 2500th single-family residence is completed, the City desires to use the Civic Site, the project must be initiated within two years after construction of the 2500th single-family residence is completed and must be finished within five years after construction of the 2500th single-family residence is completed. If the project is not initiated or completed within the established time frames, the reservation will be automatically released and the site shall be subject to the land uses permitted for Parcel I-D of the PUD.
 - (B) If, after construction of the 2500th single-family residence is completed, the City does not desire to use the Civic Site, the City will release the reservation and the site shall be subject to the land uses permitted for Parcel I-D of the PUD. The City's desire not to use the site shall be evidenced in a written document signed by the Chiefs of the Police and Fire Departments, their designees, or any other authorized representative of the City.
 - (C) If, the owner of the Civic Site and City agree to relocate the Civic Site to another location within the PUD, the Director of the Development Review and Inspection Department may approve a revision of the PUD Land Use plan to reflect the relocation if the size of the Civic Site does not change.

PART 14. If the proposed extension of Howard Lane that crosses the PUD is in the Roadway Plan when a final plat application for the portions of the PUD adjacent to proposed extension of Howard Lane is filed, up to 53 feet of right-of-way from each side of the existing or future centerline of Howard Lane shall be dedicated in accordance with Section 25-6-55 of the Code and the Transportation Criteria Manual.

PART 15. Nothing in this ordinance shall be construed to limit or prohibit the exercise by the City of its police powers or authority under the City Code and other applicable law, or to limit or prohibit the right of an applicant to seek an amendment to any provision of this ordinance or the PUD Land Use Plan or any variance or waiver from any City ordinance, regulation or policy applicable to the PUD.

PART 16. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 17. This ordinance takes effect on April 24, 2000.

PASSED AND APPROVED

_____, April 13, 2000

§
§
§



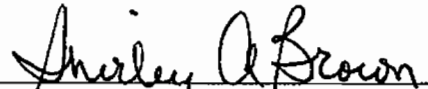
Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

Sirwaitis, Sherri

From: Glen Colby [REDACTED]
Sent: Tuesday, December 04, 2007 11:30 AM
To: Sirwaitis, Sherri
Subject: Avery Ranch PUD hearing tonight

Hello, Sherri-

My name is Glen Colby, and I'm the president of the Avery Ranch Owners' Association. I plan on attending the hearing tonight to speak in favor of the tower and of the release of the one tract from civic use. I will also be expressing concerns from the HOA regarding the proposed removal of a few of the trails from the PUD. This removal was originally part of this zoning change case, and will potentially resurface again shortly. Regardless of its presence in this change, staff recommendations in favor of the current changes are partially based on the existence of trails and greenbelts in the remaining PUD, and that is the lever I'll be using to bring up the trails.

Regards,
Glen Colby

12/4/2007

Sirwaitis, Sherri

From: [REDACTED].com
Sent: Friday, November 30, 2007 10:18 AM
To: Sirwaitis, Sherri
Subject: Re: RE: Connect - Case #C814-99-0001.06

Hi Sherri,
Thank you for clarifying that. The notice sent out by the city did not show the location clearly on the map. We are OK with this location.

Best regards,
The Brandells

Shelly Brandell
cell: (760) 215-0360

----- Original Message -----

From: "Sirwaitis, Sherri" <Sherri.Sirwaitis@ci.austin.tx.us>
Date: Thursday, November 29, 2007 9:57 am
Subject: RE: Connect - Case #C814-99-0001.06
To: "[REDACTED]" <[REDACTED]>
Cc: "Rusthoven, Jerry" <Jerry.Rusthoven@ci.austin.tx.us>

> Mr. and Mrs. Brandell,
>
>
>
> Please see the staff report for this case that is attached.

>
>
> The proposed water tower site for Avery Ranch is located in the far
> southwestern corner of the Avery Ranch development by the sign in the
> median on Avery Ranch Boulevard, almost to U.S. Highway 183. The
> property in question is undeveloped and is surrounded by undeveloped
> land. The tower will need to be just under 200-feet tall to meet the
> 3-million gallon capacity requirement to provide service to the Avery
> Ranch development.

> Sincerely,

> Sherri Sirwaitis

> City of Austin

> Neighborhood Planning & Zoning Department

> sherri.sirwaitis@ci.austin.tx.us

> 512-974-3057

> _____
>
> From: NPZD
> Sent: Thursday, November 29, 2007 9:37 AM
> To: Sirwaitis, Sherri
> Cc: Rusthoven, Jerry; Guernsey, Greg
> Subject: FW: Connect - Case #C814-99-0001.06
>
>
>
> Please respond to the FYI below. Thanks!
>
> _____
>
> From: Connect, Austin City Connection
> Sent: Wednesday, November 28, 2007 2:56 PM
> To: '[REDACTED]'
> Cc: NPZD
> Subject: RE: Connect - Case #C814-99-0001.06
>
> I am forwarding your e-mail to the Neighborhood Zoning and Planning
> Department for handling.
>
> I hope this is helpful.
>
> Thank you for contacting the Austin City Connection, official Web
> site of the city of Austin.
>
> Robin Hart
> Public Information Specialist
> Austin City Connection
> www.cityofaustin.org
> (512)974-3329
>
>
>
> _____
>
> From: '[REDACTED].com [mailto:[REDACTED].com]
> Sent: Wednesday, November 28, 2007 2:52 PM
> To: Connect, Austin City Connection
> Subject: Connect - Case #C814-99-0001.06
>
> Date/Time Submitted: Wednesday, 11/28/07, 1452 hours
>
> From: Mr and Mrs H Brandell
>
> E-mail address: shelbran@austin.rr.com
>
> Subject: Case #C814-99-0001.06
>
> Comments:
>
> I am out of town on Dec. 4th and cannot attend the hearing.
> However, I
> would like to voice my opposition to the proposed 210 ft water tower
> which would impact my property. Why does it have to be so high and
> couldn't another way to store water (perhaps underground) be used
> instead.
>
> Thank you. The Brandells, 9512 Eagle Knoll Drive in Avery Ranch.
>
>

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor.
☒ I object

ELEAZAR CAMEZ

Your Name (please print)

11000 QUARLEY OAKS TRAIL

Your address(es) affected by this application

11-25-07

Date

[Signature]

Signature

Comments:

I do not want to see this type of structure in my
community as it will negatively impact the aspect
of it. The area is primarily residential and should be
kept that way. If a water tower is erected then
water treatment equipment must be adjacent do not need
that in the area either.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor.
☒ I object

Shawn Echols

Your Name (please print)

10508 South Cava Hills trail Austin, TX

Your address(es) affected by this application

11-28-07

[Signature]

Signature

Date

Comments:

I object the re-zoning

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Jason Tongen
Your Name (please print)

11821 Springs Head Loop
Your address(es) affected by this application

Austin TX 78717

Signature

11/28/07
Date

Comments:

Not enough detail provided as to why the water tower is necessary. Concerned about cosmetics and property value.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☒ I am in favor
☐ I object

Evelyn + Omar De la Cruz
Your Name (please print)

16713 Day Butte Dr. Austin 78717
Your address(es) affected by this application

Signature

11/26/07
Date

Comments:

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor
☒ I am object

Robert D Kym
Your Name (please print)

16625 Delmechey Dr Austin TX 78717

Your address(es) affected by this application

Robert D Kym
Signature

Date

11-25-07

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor
☒ I am object

FRED YAZDI
Your Name (please print)

11304 Staked Plains Drive Austin 78717

Your address(es) affected by this application

Fred Yazdi
Signature

Date

24 November 07

Comments:

As this proposed elevated water storage tank is visible from my property, I am not in favor of it.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06
Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting
Commission

Scott Coombes

Your Name (please print)

9701 Palmbrook Dr.

Your address(es) affected by this application

Scott

Signature

11/30/07

Date

Comments: Elevated water storage
tanks are unnecessary and
unattractive. I believe this
will lower my property value.
I object.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

☐ I am in favor
☒ I object

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06
Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting
Commission

CATHERINE Cioffi / Kathryn West

Your Name (please print)

11112 CASITAS Drive, Austin, TX 78717

Your address(es) affected by this application

Catherine Cioffi
Kathryn West

Signature

11/26/07

Date

Comments: A water tower in Avery
Ranch will be an eyesore and
negatively impact property values.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

☐ I am in favor
☒ I object

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor
☒ I object



Your

Your address(es) affected by this application

Tricia Fryer

12-2-07

Signature

Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor
☒ I object

BETTY K HINDERER

Your Name (please print)

AUSTIN, TX

11824 SPRING HEAD LOOP 78717

Your address(es) affected by this application

Betty K Hinderer

Signature

12/3/07

Date

Comments: I hope you plan to lower
OUR TAXES AS VALUE WILL DROP!

DID NOT RECEIVE THIS IN
TIME TO REPLY!

I WAS

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06
Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting
Commission

☐ I am in favor
☒ I object

Your Name (please print)
Rachel Gibson

11213 Dodge Cattle Drive

Your address(es) affected by this application

Rachel Gibson 12/3/07

Signature

Date

Comments: This water tower (tank)
will decrease the homes on the
west side of Avery Ranch. All
the residents of Avery Ranch
should have been informed of
this plan when looking or
purchasing a home here.

Our appraisals won't decrease
but the market value of our homes
will! This

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

is not fair!

Rachel Gibson

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06
Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting
Commission

☐ I am in favor
☒ I object

Your Name (please print)
Justin Neani

11217 Crazy Well Dr.

Your address(es) affected by this application

[Signature] 12-1-07

Signature

Date

Comments: no eyesore before I sell my
house. Thanks

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Barver Ceylon

Your Name (please print)

10924 Casitas Dr. Austin TX 78717

Your address(es) affected by this application

[Signature]

Signature

12/07/07

Date

Comments:

I don't understand the necessity of this action.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Krislyn Mann

Your Name (please print)

14508 Wharton Park Trail Austin, TX 78717

Your address(es) affected by this application

[Signature]

Signature

11/28/07

Date

Comments: A disaggree with eliminating

park trails for this purpose

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

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Case Number: C814-99-0001.06

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

December 4, 2007 Zoning and Platting
Commission

☐ I am in favor
☒ I object

LOE1 & Ken Breslow

Your Name (please print)

11212 CONCHOS RIVER TRAIL, AUSTIN, TX

Your address(es) affected by this application

78717

Ken Breslow

Signature

Date

Comments: WE JUST PURCHASED THIS PROPERTY
A LITTLE MORE THAN A YEAR AGO &
DID NOT KNOW OF THE AGREEMENT MADE
TO BUILD A WATER TOWER. WE INQUIRED
BEFORE PURCHASE ABOUT FUTURE PLANS OF
VACANT PROPERTY AND WAS TOLD IT'D
BE JUST RESIDENTIAL. INFO SHOULD
HAVE BEEN MORE UPFRONT EVEN IF
DETAILS WERE BEING NEGOTIATED. THIS

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

WOULD HAVE
AFFECTED
OUR DECISION
TO PURCHASE
PROPERTY.